

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

JUSTIN D. CAMPBELL,	)	
	)	
Plaintiff,	)	
	)	No. 3:13-CV-509
v.	)	(VARLAN/GUYTON)
	)	
MCMINN COUNTY, TENN., <i>et al.</i> ,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court is Plaintiff's Motion to Amend Third Complaint and Remand [Doc. 5]. Plaintiff represents that the Motion to Amend and Remand is unopposed, and the Court finds that the Defendant has not filed a timely objection to the Motion to Amend and Remand.

To the extent the instant motion moves the Court to grant leave to file an amended complaint, the Court finds that the request to amend the Complaint is well-taken, and it will be granted.

To the extent the instant motion moves the Court to remand this case, the Court finds that the Plaintiff has already filed a Motion to Remand [Doc. 3] that is pending before the District Judge. The Court finds that renewing the request to remand through a motion to amend is not appropriate. Accordingly, the request to remand will be denied without prejudice. If the parties'

positions on remand change based upon the filing of an amended complaint, they shall file a written notice or supplement informing the District Judge of the same as soon as practicable.

In sum, the Motion to Amend Third Amended Complaint [**Doc. 5**] is **GRANTED IN PART** and **DENIED IN PART**. The request to file an amended complaint is **GRANTED**. Plaintiff **SHALL FILE** his amended complaint on or before **December 17, 2013**. The request to remand is **DENIED AS MOOT**, to be addressed through the pending Motion to Remand [Doc. 3].

**IT IS SO ORDERED.**

ENTER:

s/ H. Bruce Guyton  
United States Magistrate Judge